

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

MALIBU MEDIA, LLC,

Plaintiff,

v.

GREG ZENNER,

Defendant.

Civil Action No: 4:16-cv-2320

**ANSWER, SEPARATE DEFENSES,
and
DEMAND FOR JURY TRIAL**

**DEFENDANT'S ORIGINAL ANSWER,
AND SEPARATE DEFENSES**

Defendant, Greg Zenner, by way of Answer to Plaintiff's Amended Complaint, says:

Introduction

1. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 1 of the Amended Complaint and leaves Plaintiff to its proofs.
2. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 2 of the Amended Complaint and leaves Plaintiff to its proofs.
3. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 3 of the Amended Complaint and leaves Plaintiff to its proofs.

Jurisdiction and Venue

4. Defendant admits the allegations of subject matter jurisdiction.
5. Defendant denies the allegations contained in this paragraph, except Defendant admits he resides in the state of Texas.
6. Defendant lacks information sufficient to form a belief as to the facts alleged in this paragraph, and on that basis denies them.

7. Defendant denies the allegations contained in this paragraph, except Defendant admits he resides in the state of Texas.

8. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 8 of the Amended Complaint and leaves Plaintiff to its proofs.

9. Defendant admits he resides at the address listed above.

Subject Matter Jurisdiction

10. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 10 of the Amended Complaint and leaves Plaintiff to its proofs.

11. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 11 of the Amended Complaint and leaves Plaintiff to its proofs.

12. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 12 of the Amended Complaint and leaves Plaintiff to its proofs.

13. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 13 of the Amended Complaint and leaves Plaintiff to its proofs.

14. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 14 of the Amended Complaint and leaves Plaintiff to its proofs.

15. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 15 of the Amended Complaint and leaves Plaintiff to its proofs.

16. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 16 of the Amended Complaint and leaves Plaintiff to its proofs.

17. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 17 of the Amended Complaint and leaves Plaintiff to its proofs.

18. Defendant denies that he engaged in any copyright infringement. Defendant is without sufficient information to form a belief as to the remaining allegations contained in paragraph 18 of the Amended Complaint and leaves Plaintiff to its proofs.

19. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 19 of the Amended Complaint and leaves Plaintiff to its proofs.

20. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 20 of the Amended Complaint and leaves Plaintiff to its proofs.

21. Defendant denies that he engaged in any copyright infringement. Defendant is without sufficient information to form a belief as to the remaining allegations contained in paragraph 21 of the Amended Complaint and leaves Plaintiff to its proofs.

22. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 22 of the Amended Complaint and leaves Plaintiff to its proofs.

23. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 23 of the Amended Complaint and leaves Plaintiff to its proofs.

24. Defendant denies that he engaged in any copyright infringement.

25. Defendant denies that he engaged in any copyright infringement.

26. Defendant denies that he engaged in any copyright infringement.

Miscellaneous

27. No factual allegations are alleged against this defendant in paragraph 27 of the Amended Complaint. As such, this Defendant is not obligated to Admit or Deny the allegations in this paragraph. To the extent this paragraph contains factual allegations against this Defendant, Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 27 of the Amended Complaint and leaves Plaintiff to its proofs.

28. No factual allegations are alleged against this defendant in paragraph 28 of the Amended Complaint. As such, this Defendant is not obligated to Admit or Deny the allegations in this paragraph. To the extent this paragraph contains factual allegations against this Defendant, Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 28 of the Amended Complaint and leaves Plaintiff to its proofs.

29. Defendant adopts and restates his answers to paragraphs 1-28 as if fully set forth herein.

30. Defendant is without sufficient information to form a belief as to the allegations contained in paragraph 30 of the Amended Complaint and leaves Plaintiff to its proofs.

31. Defendant denies that he engaged in any copyright infringement.

32. Defendant denies that he engaged in any copyright infringement.

33. Defendant denies that he engaged in any copyright infringement.

34. Defendant denies that he engaged in any copyright infringement.

WHEREFORE, Plaintiff's Amended Complaint against Defendant should be dismissed in its entirety with prejudice.

DEMAND FOR A JURY TRIAL

Defendant hereby demands a trial by jury on all issues so triable.

AFFIRMATIVE DEFENSES

1. Plaintiff has failed to join a party – the actual infringer – without whom this action cannot proceed. Defendant reserves the right to move to dismiss and ask for attorney's fees due to Plaintiff's failure to join an indispensable party.

2. On information and belief, Plaintiff has received thousands of dollars in settlements from Doe defendants in similar cases for alleged copyright infringement in their participation

in the BitTorrent swarm in which Plaintiff alleges Defendant participated. Defendant is entitled to a set-off of all monies collected by Plaintiff for the same Work and alleged BitTorrent swarm(s) Plaintiff has alleged Defendant was a participant in, in which Plaintiff has settled, or will settle in the future with other individuals.

Respectfully submitted,

DATED: March 2, 2017

LAW OFFICES OF TRISTAN C. ROBINSON, PLLC

/s/ Tristan C. Robinson

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Date: March 2, 2017

By: /s/ Jeffrey J. Antonelli

Jeffrey J. Antonelli

Date: March 2, 2017

By: /s/ Melissa L. Brabender

Melissa L. Brabender